

ARTICLE XLIV Planned Recreational Park (PRP) District [Added 9-7-1999]

§ 108-235. Purpose.

A parcel of land of 2,430 acres, a portion of the former Naval Weapons Industrial Reserve Plant at Calverton, located in west central Riverhead, comprised primarily of runways, open land and naturally vegetated areas and surrounding the Planned Industrial Park District, is to be transformed into a major regional family-oriented recreational amusement park and sports venue, drawing upon the leisure and tourism market of the east end of Long Island through its designation as a Planned Recreational Park (PRP) District. The purposes of such a designation are to attract private investment, increase the Town's tax base, create jobs and enhance the quality of life in the community and region. The district has good local and regional access and provides an opportunity to develop a comprehensive, attractive and uncongested environment. The district allows for the creation of a number of distinct regional, publicly accessible, destination, leisure and recreational complexes, through interrelated and mutually supporting facilities and drawing upon separate and distinct regional markets. The flexible regulatory framework provided for in the PRP District allows for innovation and maximum flexibility both in the use and design of these facilities in a single location. It also allows for a variety of activities to take place simultaneously, without generating multiple or separate vehicular trips, which together with encouragement of access through regional public transportation networks and a pedestrian and bicycle orientation reduces vehicular trips and energy requirements. A single set of development and design requirements is imposed for the district as a whole; however, the underlying use and dimensional requirements differ for each of the subdistricts within the overall PRP District.

§ 108-236. Underlying subdistricts created.

- A. The following separate and distinct subdistricts may, upon application to the Town Board, be so designated within the Planned Recreational Park District, provided that the particular subdistrict meets the minimum requirements as specified below:
- (1) AP Amusement Park Subdistrict. Such a subdistrict shall comprise no more than 50% of the PRP District and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a subdistrict shall be a single, contiguous parcel of land.
 - (2) HCC Hotel-Conference Center Subdistrict. Such a subdistrict shall comprise no less than 2% and no more than 10% of the PRP District, shall be located contiguous to the Planned Industrial Park District, and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a district shall be a single, contiguous parcel of land.
 - (3) SP Sports Park Subdistrict. Such a subdistrict shall comprise no more than 30% of the PRP District and shall be located contiguous to and shall include, in part or whole, an existing airport runway and shall have primary access from State Route 25 (Middle Country Road). Such a district shall be a single, contiguous parcel of land.
 - (4) FEC Family Entertainment Center Subdistrict. Such a subdistrict shall comprise no less than 5% and no more than 15% of the PRP District and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a subdistrict shall be a single, contiguous parcel of land.
 - (5) GC Golf Course Subdistrict. Such a subdistrict, or subdistricts if more than one are created, shall comprise no more than 30% of the PRP District.
 - (6) OS Open Space Subdistrict. Such a subdistrict or subdistricts shall comprise no less than 40% of the PRP District and shall include the following lands:
 - (a) The Pine Barrens Core Preservation Area located at the westerly end of the PRP

District and comprising approximately 423 acres.

- (b) An undisturbed natural area of approximately 128 acres located to the north of Grumman Boulevard and west of McKay Lake.
 - (c) A community park, of not less than 135 acres, to be located north of Swan Pond Road/Grumman Boulevard and west of the existing 10,000 runway.
 - (d) A passive recreation park of not less than 27 acres incorporating an area containing rare and endangered species of fauna and flora, located in the northeasterly portion of the PRP District.
 - (e) A natural buffer, 300 feet in width and comprised of approximately 20 acres of land, and located to the south of State Route 25 (Middle Country Road) directly opposite the Calverton National Cemetery.
 - (f) A public golf course of not less than 160 acres and 18 regulation-sized golf holes and related facilities to be located north of the undisturbed natural area as described in § 108-236A(6)(b).
- B. All development within these subdistricts shall conform to the provisions and standards as set forth in the underlying subdistrict in addition to the standards and provisions applying to the PRP District as a whole. Where there is a conflict between the standards of the PRP District and the underlying subdistrict or standards elsewhere in other Town codes, the standards of the underlying subdistrict shall apply.

§ 108-237. Development standards for PRP District.

- A. Building and site design and layout. The siting and layout of buildings, structures, parking areas, open spaces and other built elements shall be designed so as to provide an aesthetically vibrant, attractive and recreationally oriented environment. An emphasis on creative and innovative designs, colors, textures, materials, building shapes, massing and arrangements is encouraged. A focus on a particular design theme or overall organizing architectural concept within each of the subdistricts, as well as within the entire Planned Recreational Park District, is encouraged. While uniformity and bland design are specifically discouraged, measures to ensure harmony and continuity in architectural and landscape design between uses within and between subdistricts is emphasized. In addition, a great diversity in uses is encouraged in order to provide as wide an array of attractions and facilities as possible. Flexibility in location, size and type of buildings and structures has been provided with the specific purposes of encouraging creativity and the accomplishment of innovative and unique designs. Replication of designs from regional or national amusement parks, attractions or commercial recreation chains or franchises that already exist elsewhere in the state, region or country, is specifically discouraged.
- B. Signs. Signs within the interior of each subdistrict shall not be subject to height, size, type or locational controls, other than that no sign shall be higher than the permitted height for principal buildings within the subdistrict, or so designed or located as to primarily advertise or be directed to roadways or land uses outside of the PRP District, such as Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road), nor shall any signs be placed within a required buffer area. At the perimeter of the PRP District, signs shall be subject to the following restrictions: One freestanding sign for each subdistrict may be placed at the entrance from a primary road to the PRP District with a maximum of four such signs at each entrance, a maximum height of 30 feet, and an area no larger than 150 square feet per sign. On all arterial roads within the PRP District, signs shall be provided for the purposes of identification and vehicular control, including street signs and exterior directional signs. The provisions of such signs shall be of uniform height, color, typeface and material throughout the PRP District.

- C. Exterior lighting. The design and use of materials for exterior lighting along those portions of the primary roads which abut the PRP District and along all arterial roads within the PRP District shall be of uniform design. Uniformly designed exterior lighting shall be provided for all pedestrian pathways, bikeways and parking areas along such primary roadways and arterial roads linking the subdistricts. Such lighting shall also be provided in accordance with Illuminating Engineering Society standards and shall be installed by the developer at his or her expense. Pedestrian pathways throughout the PRP District, around buildings and across access or service roads or driveways shall be lighted to clearly identify their location. The design of lighting poles, fixtures and the spacing and height of lighting poles shall be uniform throughout a subdistrict. Directional lighting shall be arranged so as to minimize glare and reflection on properties adjacent to the PRP District and across subdistrict boundaries.
- D. Pedestrian Pathways and Bikeways. There shall be sidewalks or pedestrian pathways and bicycle paths provided throughout each subdistrict, except for those portions of the OS Open Space Subdistrict where the retention of the natural vegetation is encouraged. The types of material used for pedestrian pathways and bikeways, including pavement, curbs, planting and protective barriers, shall be uniform throughout the PRP District. The width of such pedestrian pathways need not be uniform but shall vary according to their use and the amount of pedestrian traffic anticipated to utilize them. Pedestrian pathways and bikeways shall wherever possible be separated from vehicular circulation and streets within the PRP District. The first developer in the district shall provide stubbed pathways at the boundaries of the subdistrict in order to permit linkage to subsequent developers. Subsequent developers shall provide pedestrian pathway and bikeway links to those paths already developed or approved, so as to provide a continuous and interconnecting pedestrian pathway and bikeway system throughout the district. Pedestrian paths shall not be less than five feet in width and, where used as a jogging path or bikeway in addition to a pedestrian pathway, shall not be less than eight feet in width.
- E. Common open space. Open space areas within the PRP District, particularly those areas where vegetation has not been cleared pursuant to meeting the requirement of clearing a maximum of 65% of vegetation within the Pine Barrens Compatible Growth Area, shall be so designed and used as to protect the natural resources and qualities of the site, including the natural terrain, woodland, significant views and any unique and unusual features. The following regulations shall apply to these areas:
- (1) Clearing of brush and dead timber shall be required where necessary to eliminate fire hazards.
 - (2) Manual clearing of obstruction or jams from streams or waterways shall be required where necessary to ensure unimpeded flow, provided that no channelization shall be permitted.
 - (3) Hiking, jogging and bridle paths, utilizing natural ground surfacing such as stone or wood chips, may be constructed and maintained unless otherwise prohibited by Town or state law.
 - (4) Open space which is in a natural state shall otherwise be maintained undisturbed in its natural state. No garbage debris shall be permitted to accumulate except vegetation clippings properly maintained as compost heaps.
 - (5) Passive recreational use of open space natural areas shall be restricted to hiking, fishing, bird watching, horseback riding and canoeing or kayaking.
- F. Landscaping. Shade trees shall be provided along roads, walkways and parking areas. Landscaped buffers or vegetative screening shall be provided around all parking, utility, refuse disposal areas and wherever else the Planning Board deems necessary to screen visually objectionable features. Landscaping shall be provided in all areas which contain neither buildings, paved surfaces or undisturbed naturally vegetated areas, including all public areas and around buildings. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors by season, textures,

shapes, blossoms and foliage.

G. PRP roadways.

- (1) For the purposes of the PRP District, Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road) are designated as the primary access roads to the PRP. Access into the PRP District shall be provided at no more than two points along State Route 25, and three points along Grumman Boulevard/Swan Pond Road, and shall be at least 2,000 feet apart.
- (2) Arterial roads shall be provided within the PRP District to provide access from each of the subdistricts to Grumman Boulevard/Swan Pond Road and/or State Route 25 (Middle Country Road). Such arterial roads shall be located in such a manner as to provide safe, convenient and direct access from such primary roads to each of the subdistricts, without unduly interfering with traffic entering or exiting other subdistricts, or creating congestion at any of the access points along the primary access roads. All arterial roads shall be built to public road specifications and be open to the public at all times. Collector and access roads within each subdistrict may be either public or private streets. All roads shall have sufficient right-of-way and road width to accommodate traffic generated at the 30th highest peak hour of the year, taking into account the accumulated peak traffic of simultaneously operating planned recreational park facilities. The cost of providing and improving all roadways shall be the responsibility of the developers. The utilization of private vehicles as a means of transportation within the PRP District and for traveling from one subdistrict or amenity within the district to another is strongly discouraged. A parking plan which utilizes some form of public shuttle or transit system is strongly encouraged, as are walking or cycling pedestrian pathways and bikeways.

H. Materials, equipment and utilities. All materials and equipment, and utilities such as refuse containers, electrical substations, outdoor mechanical areas shall either be stored in a completely enclosed building or screened by means of a fence, wall, planting, landscaped berm or other suitable means.

I. Parking and loading.

- (1) Required parking and loading space shall be provided within the same parcel of land or subdistrict as the building or facility serviced, unless one or more collective shared off-street parking facilities are provided which are reasonably proximate to the facilities they serve, or where some form of frequently running, free shuttle service is provided. The use of shared and collective parking areas is encouraged, particularly where events and operations can be staged or scheduled in a manner so that the peak parking demands for the facilities so served do not coincide. The Planning Board may also permit a portion of the proposed parking and loading areas to remain unpaved but landscaped where it believes, or where credible evidence is presented, that more parking spaces than reasonably required for the proposed use or uses will be provided. If conditions change and additional parking is warranted, the Planning Board or its designated agent identified at the time of approval may require such an unpaved area to be paved. Such permission to defer paving of parking and loading spaces shall be predicated upon the applicant filing with the Planning Board and Town Clerk and recording at the Nassau County Recording Office deed restrictions drafted in a manner satisfactory to the Town Attorney, ensuring that the land will be used either as open space or parking.
- (2) All off-street parking and loading areas shall be bordered by vegetative screening or landscaped areas containing trees, shrubs and/or landscaped berms to shield automobiles from view. Wherever feasible, the Planning Board shall require that at least 10% of the total parking lot area be used for interior landscaping, to include trees and shrubs. Interior landscaping shall be distributed throughout all parking lots in planting islands to provide the maximum shade and buffer from noise and glare. At least one deciduous tree for every 20 spaces shall be required within the parking lot.

- (3) No parking or loading areas shall be permitted within any required buffer areas. No parking area shall be closer than 10 feet to any building or structure.
 - (4) To the maximum extent possible, loading areas shall not be located within any front yard and shall be placed at such locations so as to minimize their visibility to the public and to be provided access separate from parking areas and driveways used by the public.
- J. Emergency equipment. All buildings, structures and open spaces accessible to the public shall be accessible to emergency vehicles. Wherever a building or structure exceeds a height of 40 feet, a roadway or other suitable surface capable of supporting heavy emergency equipment shall be located 20 feet from the base.

§ 108-238. Approval procedure.

- A. Intent. The planned recreational park is envisioned to be a comprehensive single planned development, comprised of separate but interrelated subdistricts, each of which differ in use and function, but which together share basic infrastructural elements such as water, sewer, energy, vehicular and pedestrian circulation and open space. While it would be preferable for the entire district to be designed according to a single comprehensive development plan, its size may preclude single ownership and control. Thus, the approval procedures and the regulations of this article do allow certain smaller portions or parcels of land within the District to be planned, approved and developed separately, provided that such planning and development makes provision for the development of an infrastructure network and a layout which fits into, relates to and is compatible with other development planned, approved or anticipated in other parts of the planned recreational park.
- B. Initial submission: schematic land use and infrastructure.
- (1) Network plan.
 - (a) The first applicant to apply for an approval of a portion of the PRP District shall submit a concept development plan indicating:
 - [1] The portion of the PRP District which he/she owns or controls and wishes to develop.
 - [2] A layout of the basic infrastructural networks necessary to provide services to the portion the developer is seeking development approval for.
 - [3] A schematic land use scheme, encompassing the rest of the land within the PRP District, showing generally the other uses or subdistricts to be developed in other portions of the PRP Districts and indicating how the overall land use and infrastructure network will function and interrelate.
 - (b) The schematic land use and infrastructural network plan shall indicate such subdistricts and such infrastructure as is mandated by § 108-236, Underlying subdistricts created, and § 108-237, Development standards for RRP District.
 - (2) This schematic land use and infrastructural network plan shall, upon approval, become the approved schematic development plan for the entire PRP District and shall only be amended if and when subsequent submissions for development approvals, as set out below, are approved.
 - (3) The approving agency for the schematic land use and infrastructural network plan for the PRP District shall be the Town Board.
 - (4) The initial approval and subsequent amendments to the schematic land use and infrastructural network plan shall not occur until the preliminary concept plan for that portion of the PRP District for which a development approval is being sought, as set out in § 108-238C, regarding concept plan approval, is approved. Once a concept plan for any portion of the PRP District has been approved, the schematic land use and

infrastructural network plan for that portion of the PRP network shall be fixed and may not be amended without the full consent of the owner or developer of the approved portion.

- (5) All subsequent amendments to the schematic land use and infrastructural network plan shall be approved by the Town Board. Where there are any disagreements between two or more developers within the PRP District, as to the form or layout of the District for which concept plan approval has not already been granted, the Town Board shall be the final arbiter and decision maker.

C. Concept plan approval and designation of subdistricts.

- (1) Concurrently with the initial submission of a schematic land use and infrastructural network plan, the applicant shall also make application for approval of a concept plan for a portion of the PRP District which, when granted final approval pursuant to § 108-238D, Final plan approval, shall be designated as one or more subdistricts within the PRP District.
- (2) The concept plan shall meet the requirements of §§ 108-236 and 108-237.
- (3) The following information shall be submitted for concept plan approval:
 - (a) A diagram or diagrams, at a scale of not less than one inch equals 100 feet, showing proposed land uses, including building footprints and parking areas, infrastructure, including main water and sewer lines and stormwater drainage facilities and proposed community facilities such as fire or police substations or public parks; historic and cultural features; a circulation plan, including major and minor vehicular routes, pedestrian pathways and bicycle and bridle trails; recreational facilities; ancillary retail facilities; and open space and natural areas.
 - (b) Conceptual diagrams, illustrations, perspective renderings or elevations of main buildings, structures and improvements, including proposed building materials and landscape treatments.
 - (c) Site functional diagrams, indicating the relationship of proposed infrastructure and recreational amenities to other portions of the PRP District and to the Town of Riverhead.
 - (d) Environmental suitability diagrams indicating the environmental suitability of land proposed for clearing and development versus those left in their natural state or those proposed to be used as landscaped open space.
 - (e) Preliminary staging or phasing plans.
 - (f) Density yield evaluations, including building floor areas, impervious coverage percentages, number of employees or residents generated, water and sewer consumption, amount of open space and approximate amount of stormwater runoff generated.
 - (g) A preliminary financial analysis, including land costs, infrastructure costs (roads, sewer, water and drainage, primarily), site development and construction costs, soft costs, development costs for community facilities and amenities, and preliminary estimates of membership, admission or user fees. A statement concerning the overall feasibility of the proposed development shall be included.
 - (h) An outline of the marketing, sales or promotion program.
 - (i) A community impact statement, including the proposed development's impact on community facilities and services.
 - (j) A fiscal impact analysis indicating that, at each stage or at the end of each phase of development, the revenues generated by the proposed development to the Town will not exceed the costs of providing services.
 - (k) A statement indicating the long-term ownership of common facilities and

infrastructure, the designation of maintenance responsibilities for such areas and the structuring of developer, owner and Town roles in this regard. In this respect, the establishment of a community association with maintenance assessment and user fees shall be considered.

- (4) The procedure for the review and approval of the concept plan shall be the same as that required for a special permit, except for the submission requirements, which shall be in accordance with § 108-238C(3)(a) through (k). Following approval of the concept plan, and the initial approval or subsequent amendment of the schematic land use and infrastructural network plan, the Town Board shall designate the area encompassed by the approved concept plan as one or more subdistricts within the PRP District.

D. Final plan approval.

- (1) Following the approval of a concept plan and the designation of one or more subdistricts within the PRP District by the Town Board, subdivision and site plan, as appropriate and necessary, shall be obtained in accordance with the requirements of Article XXVI, Site Plan Review, and Article XX, Subdivision Regulations. Where the standards of this article conflict with others in the Zoning Code, the standards of this article shall apply.
- (2) In addition to the standards and regulations required for site plan approval pursuant to Article XXVI, Site Plan Review, of the Town Code, the following shall be required to be submitted for final approval: a detailed design vocabulary for all subsequent development within a subdistrict, including exterior building materials and glass; plant material and landscaping palette; architectural guidelines for style, size and height of buildings; building and ground maintenance schedules; conservation and resource management measures; a sign/graphics plan for all signs, advertising, brochures and business forms. All subsequent developers within the subdistrict shall adhere to the approved design vocabulary.

§ 108-239. AP Amusement Park Subdistrict.

A. Purpose. The purpose of the AP Amusement Park Subdistrict is to provide a family-oriented destination amusement park center for residents, tourists and day visitors to the area.

B. Permitted uses:

- Amusement and video arcades
- Animal exhibits
- Botanical gardens and arboreta
- Cable car operators
- Carnivals
- Circuses
- Expositions and exhibition facilities
- Fairs
- Game parlors
- Kiddie parks
- Museums and art galleries
- Outdoor or indoor concert or live performance facilities
- Planeteria
- Scenic railroads for amusement
- Theaters for live performances

Theme parks
Waterslides and wave pools
Zoological gardens, but not aquariums

C. Accessory uses.

Ancillary retail facilities, including the sale of beverages, books, clothing, confections, cosmetics, foodstuffs, gifts, periodicals, photo supplies, souvenirs, stationery and toys
Automatic Teller Machines
Bus or transit stops or stations
Fences and walls
First aid stations and other emergency services
Infrastructural facilities
Off-street parking and loading facilities
Parks, open space and picnic areas
Police and fire substations
Restaurants, cafeterias and eating and drinking establishments
Security and management facilities
Signs
Trash receptacles and enclosures

D. General lot, yard and height requirements.

(1) For the overall amusement park:

- (a) Minimum park area: 300 acres in contiguous parcels.
- (b) Minimum park width: 1,000 feet.
- (c) Minimum frontage on an arterial road: 3,000 feet.
- (d) Maximum floor area ratio: 0.10 in total for all buildings within the park.
- (e) Maximum vegetative clearance: 65% of the park area
- (f) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for every six acres of land within the park, or a proportion thereof.
- (g) Minimum perimeter buffer: 300 feet in width along State Route 25 (Middle Country Road) and 100 feet in width along all other perimeters.
- (h) Maximum impervious coverage: 50% of all land within the park.
- (i) Maximum height: three stories or 40 feet, whichever is greater, for all buildings providing occupiable or habitable floor area, but 120 feet for all other structures, provided that a setback of at least three feet for every one foot in vertical height is provided from the perimeter boundary of the park.

§ 108-240. HCC Hotel-Conference Center Subdistrict.

- A. Purpose. The purpose of the HCC Hotel-Conference Center Subdistrict is to create a hotel and conference center within the Planned Recreation Park District that provides transient lodging facilities to visitors to the park and to the region, as well as a destination for local, regional and national conferences, seminars and business meetings that can take advantage of the park's attractions, recreational facilities, leisure activities and natural environs.

B. Permitted uses:

- Bed-and-breakfasts and inns
- Cabins and cottages, for transient lodging
- Health spas
- Hotels, restricted to transient lodging facilities
- Motels, restricted to transient lodging facilities
- Recreational vehicle parks

C. Accessory uses:

Ancillary retail facilities oriented to guests meeting, visiting or lodging at the principal use, including but not limited to the sale of books, beverages, clothing, confections, cosmetics, drugs, dry goods, flowers, foodstuffs, gifts, jewelry, sporting goods, periodicals, photo supplies and stationery, and personal service establishments such as barber and beauty shops.

Automatic teller machines

Conference facilities, meeting rooms and ballrooms

Fences and walls

Health clubs and other indoor recreational facilities whose use is restricted to guests meeting at, visiting or lodging at the principal use or employees thereof

Off-street parking and loading facilities

Outdoor swimming pools, tennis courts, basketball and other sports courts, miniature golf courses, jogging and walking trails, whose use is restricted to guests lodging at the principal use or employees thereof

Restaurants, cafeterias and eating and drinking establishments

Security and management facilities

Signs

Trash receptacles and enclosures

D. General lot, yard and height requirements.

(1) For the overall hotel-conference center development:

- (a) Minimum tract size: 50 acres.
- (b) Minimum tract width: 500 feet.
- (c) Minimum tract frontage on an arterial road: 1,000 feet.
- (d) Maximum floor area ratio: 0.20 in total for all buildings within the hotel-conference center development.
- (e) Maximum vegetation clearance: 65% of the land within the hotel-conference center.
- (f) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the hotel-conference center development, or a proportion thereof.
- (g) Minimum perimeter buffer: 100 feet.

(2) For each use or building within the hotel-conference center development:

- (a) Minimum lot area: two acres for bed-and-breakfasts and inns; and five acres for all other uses.
- (b) Minimum lot width: 250 feet.
- (c) Minimum frontage on a street: 200 feet.

- (d) Minimum front yard depth: 50 feet for bed-and-breakfasts and inns; 75 feet for all other uses.
- (e) Minimum side yards: 30 feet for bed-and-breakfasts and inns; 50 feet for all other uses.
- (f) Minimum rear yards: 50 feet for bed-and-breakfasts; 75 feet for all other uses.
- (g) Maximum floor area ratio: 0.20 for bed and breakfasts and inns; 0.50 for all other uses.
- (h) Maximum impervious coverage: 50%.
- (i) Maximum height: two stories for bed-and-breakfasts and inns; six stories or 75 feet for all other uses, provided that a setback of three feet shall be provided from the perimeter of the hotel-conference development for every one foot in vertical height.

§ 108-241. SP Sports Park Subdistrict.

A. Purpose. The purpose of the SP Sports Park Subdistrict is to create family-oriented, publicly accessible, primarily outdoor, participatory or instructional, sports-oriented commercial recreation facilities, as well as stadiums, arenas or other facilities for professional or semiprofessional sports teams and for other spectator sports. Membership clubs shall be permitted, provided that they are also open to the public-at-large for a reasonable fee.

B. Permitted uses:

Archery ranges

Arenas for boxing, basketball, baseball, cycling, football, hockey, ice skating, soccer, tennis or other sports

Athletic fields

Aviation clubs or schools

Boat or canoe rental facilities and fishing piers

Equestrian arenas, schools or facilities or riding academies and riding stables

Golf driving ranges, schools or practice facilities

Indoor or outdoor tennis, racquetball, basketball and other sports courts

Martial arts schools or facilities

Pitch-and-putt or miniature golf courses

Professional or semiprofessional sports club facilities

Race tracks for horses, automobiles or motorcycles

Rodeos

Scuba and scindiving facilities and instruction

Skiing facilities

Speedway operations

Sports instructional academies, schools, camps or facilities

Sports museums or halls of fame

Stadiums

Swimming pools, not including membership clubs

C. Accessory uses:

Uses customarily accessory and incidental to the principal uses, such as ticket sales;

stables; vehicle maintenance, storage and repair; sports equipment sales and rental; and pro shops.

Accessory uses permitted in § 108-239 in the AP Amusement Park Subdistrict.

D. General lot, yard and height requirements.

(1) For the overall sports park:

- (a) Minimum park area: 100 acres in contiguous parcels.
- (b) Minimum park width: 500 feet.
- (c) Minimum frontage on an arterial road: 2,000 feet.
- (d) Maximum floor area ratio: 0.10 in total for all buildings in the park.
- (e) Maximum vegetation clearance: 65%.
- (f) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the park, or a proportion thereof.
- (g) Minimum perimeter buffer: 100 feet.
- (h) Maximum impervious coverage: 50%.
- (i) Maximum height: three stories or 40 feet for all buildings providing habitable or occupiable floor area, except indoor sports arenas or stadiums which, in addition to other permitted structures, shall not exceed a height of 120 feet, provided that a setback of at least three feet for every one foot in vertical height is provided from the perimeter of the park.

§ 108-242. FEC Family Entertainment Center Subdistrict.

A. Purpose. The purpose of the FEC Family Entertainment Center Subdistrict is to provide family-oriented commercial recreation facilities as a destination for residents, tourists and visitors to the region, that will complement and not compete with the facilities within the amusement park and sports park subdistricts.

B. Permitted uses:

- Amusement and video arcades and game parlors
- Auction houses
- Bingo parlors, bridge clubs
- Bowling alleys
- Commercial museums and art galleries
- Dance halls and studios
- Discotheques and nightclubs
- Entertainment-oriented retail centers, including gift, souvenir and clothing, jewelry, photography, toy, antique, hobby, art, home decoration, beverages, confections, foodstuffs and stationery
- Farmers markets, arts and crafts markets, carnival or festival markets
- Health clubs and gymnasiums
- Ice skating and roller rinks
- Indoor performance and concert facilities
- Movie theaters, not including drive-in theaters
- Restaurants and eating and drinking establishments

C. Accessory uses:

Accessory uses permitted in § 108-239 in the AP Amusement Park District

D. Lot, yard and height requirements.

- (1) Minimum tract size: 20 acres.
- (2) Minimum tract width: 500 feet.
- (3) Minimum frontage on an arterial street: 500 feet.
- (4) Maximum floor area ratio: 0.20 in total for all buildings within the family entertainment center development.
- (5) Maximum vegetation clearance: 65% of all land in the family entertainment center development.
- (6) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the family entertainment center development, or a proportion thereof.
- (7) Minimum perimeter buffer: 100 feet.
- (8) Maximum impervious coverage: 50% of all land within the development.
- (9) Maximum height: three stories or 60 feet, whichever is the lesser.

§ 108-243. GC Golf Course Subdistrict.

A. Purpose. The purpose of the GC Golf Course Subdistrict is to create a privately owned but publicly accessible golf course development as a principal use, either independent and self-sustaining or in conjunction with a resort development, or in conjunction with a limited retirement or second-home residential development.

B. Permitted uses:

Golf course resorts, provided that the lodging and/or conference facilities meet the requirements of the HCC Hotel-Conference Center Subdistrict and that the minimum tract size is 300 acres and includes at least two regulation-sized 18-hole golf courses.

Golf driving ranges, practice facilities or golf instruction schools open to the general public

Nonmembership golf courses open to the general public

Par 3 or executive-sized golf courses open to the general public

C. Accessory uses:

Uses customary and incidental to golf courses, including clubhouses, restaurants and eating and drinking establishments and pro shops

Detached single-family residential homes, restricted to retirement or second-home occupancy, and only in conjunction with regulation-sized 18-hole golf courses, with a maximum of three single-family homes per hole or a total of 54 homes per golf course

For golf course resorts only, the following accessory uses shall be permitted: spa or health club facilities, tennis courts, swimming pools, jogging or walking trails, children's indoor or outdoor sports facilities, meeting and conference facilities, and transient lodging facilities restricted to guests, visitors and employees of the resort.

D. Lot, yard and height regulations.

- (1) Minimum tract size: 140 acres in contiguous parcels for golf courses and 300 acres for golf course resorts.
- (2) Minimum tract width: 1,000 feet.
- (3) Minimum frontage on an arterial street: 500 feet.

- (4) Minimum perimeter buffer: 25 feet for the golf course and 100 feet for all other buildings, structures or uses.
- (5) Maximum floor area ratio: 0.05 in total for all buildings in the golf course development.
- (6) Maximum vegetation clearance: 65% of all land in the golf course development.
- (7) Maximum impervious coverage: 50% of all land in the golf course development.
- (8) Maximum permitted height: three stories or 40 feet, whichever is the lesser.
- (9) Minimum open space set aside or contribution: four acres of land.

§ 108-244. OS Open Space Subdistrict.

- A. Purpose. The purpose of the OS Open Space Subdistrict is to provide for the passive and active recreational needs of the residents of Riverhead, to ensure the preservation and protection of sensitive ecological land and resources in their natural state, and the provision of natural buffers adjacent to and for the protection of sensitive land uses and ecological features within the OS Open Space Subdistrict.
- B. Permitted uses:
 - (1) An 18-hole regulation-play public golf course of not less than 160 acres to be located to the north of the undisturbed natural area located west of McKay Lake and north of Grumman Boulevard, and provided that the vegetation clearance does not exceed 65%.
 - (2) A community park with active and passive community sports and recreational facilities of not less than 135 acres, located north of Swan Pond Road/Grumman Boulevard and west of the existing ten-thousand-foot runway; and provided that the maximum vegetation clearance is no greater than 65%.
 - (3) A nature preserve in the Pine Barrens Core Preservation area, located at the western end of the PRP District, comprising not less than 423 acres.
 - (4) In all other areas of the OS Open Space District, the following uses may be established, provided that no more than 10% of the existing natural vegetation is cleared:
 - (a) Nature preserves.
 - (b) Hiking, nature trails, and bridle paths.
 - (c) Canoeing and kayaking.
 - (d) Fishing.
- C. Accessory uses:
 - (1) Uses customary and incidental to the principal permitted uses.
- D. Lot, area and height regulations.
 - (1) Minimum frontage on an arterial street: 100 feet.
 - (2) Maximum floor area ratio: 0.05 for all buildings on the open space tract.
 - (3) Maximum vegetation clearance: unless otherwise specified, no greater than 65%.

§ 108-245. Additional requirements.

- A. Performance criteria.
 - (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.

- (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.
- (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
- (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
- (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a nondisturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act) *Editor's Note: See Environmental Conservation Law § 15-2701 et seq.* and Chapter 107 of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.
- (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.
- (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
- (8) Clearance.
 - (a) No more than 65% of the PRP District shall be cleared pursuant to the Central Pine Barrens Comprehensive Land Use Plan and the Pine Barrens Overlay District (Article XXXV) of the Zoning Code of the Town of Riverhead. The applicable clearance percentage shall be calculated over the entire parcel, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities, and shall contain calculations for the amount of disturbance of native vegetation and indicate the clearing limits thereof.
 - (b) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.

- (9) Land subdivision maps and site plans shall be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the plan.
- (10) Development projects shall place no more than 15% of the entire site in fertilizer-dependent vegetation. Development designs shall consider native planting suggestions made part of the plan.
- (11) Development which will have a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened or of special concern, or upon the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.
- (12) Development projects shall minimize disturbance of the natural grade and/or natural vegetation where slopes exceed 10%. Construction in areas with slopes exceeding 10% may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, nondisturbance buffers shall be placed on those portions of the site where slopes exceed 10%. Development plans shall include a slope analysis depicting existing slopes in the ranges of 0% to 10%, 11% to 15% and 15% or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be referred for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes of 10%.
- (13) Prior to construction, soil erosion and sediment control plans shall be prepared and approved which achieve the following objectives:
 - (a) Minimize potential impacts associated with soil erosion and resulting in sedimentation of surface waters.
 - (b) Limit work areas to the immediate areas of construction in order to minimize disruption of adjacent lands.
- (14) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands, and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation easement or similar instrument.
- (15) Where applicable, the use of planned industrial park development pursuant to the provisions of Article XX of this chapter shall be encouraged to preserve open spaces.
- (16) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best-management practices as set forth in the plan, as may be amended from time to time.
- (17) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places and historic structures listed on the State or National Registers of Historic Places, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within 500 feet of the proposed development, and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or

other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.

- (18) All development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
 - (19) A buffer of 1,000 feet of and no more than 50% disturbance shall be permitted around breeding ponds pursuant to NYSDEC freshwater wetland permit requirements.
 - (20) The approval of the New York State Historic Preservation Office for the establishment of a site-specific protocol for either the relocation of development or the retrieval of artifacts in the event of excavation shall be obtained in order to mitigate impacts upon archaeological resources within the PRP District.
 - (21) The applicant shall submit a traffic study for the approval of the comprehensive development plan, which study shall identify and for which the applicant shall pay and implement measures to mitigate the impact of traffic generated by the full buildout of all development within the PRP District to the point where the effects of such buildout are comparable to future conditions without such development. Such mitigation measures shall include but not be limited to:
 - (a) Signal, timing, geometric improvements and regulatory measures.
 - (b) A restriction against additional vehicular access points along Seven Pond Road.
 - (c) The completion of off-site road improvements to be required by the New York Department of Transportation as a function of permit review for curb cuts along New York State Route 25.
 - (d) The geometric improvement of the intersection of Edwards Avenue and Route 25, if warranted by motor vehicle traffic generated by development in the PRP District.
 - (22) Development within the PRP District shall adhere to setbacks as required; notwithstanding such adherence, noise emanating from the PRP District shall comply with the Noise Ordinance of the Town of Riverhead, *Editor's Note: See Ch. 81, Noise Control.* which limits such noise levels from commercial and industrial properties to neighboring properties to 65 dBA. In the event that such noise levels are exceeded, such additional noise abatement measures, including increasing such setbacks or the provision of noise walls or the provision of berms, fences, vegetation and the like, shall be provided for. Such restrictions shall not apply to aircraft noise whose flights shall be restricted to daytime hours.
- B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form, except that the aforementioned standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.